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ABSTRACT

The history of school district consolidation in New York State reveals that nearly every set of recommendations which has encouraged consolidation has brought about widespread negative reaction from the public. Reorganization is a highly political activity in which members of the State Legislature and the State Education Department have always been involved. While school district governance in a reorganized district (and the political reaction in the school district to that reorganization) may appear to be a singularly local issue, it is not. The State Education Department and its agents are involved at each stage of the reorganization process, and their involvement is not necessarily salutary. Reorganization efforts have slowed considerably in the past 15 years. In spite of increased financial incentives to reorganize and continued discussion on the benefits of reorganization, few districts have chosen to consolidate with others or to be annexed. While the promise of lower taxes and the prospect of improved educational opportunities continue to be compelling reasons for some districts to reorganize, districts are looking closely at the political issues. Districts considering reorganization today want guarantees that they will not lose local control and the opportunity to be directly involved in their children's education. (JHZ)

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Legal and Organizational History
of School District Reorganization
in New York State

by
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Organizational Alternatives for Small Rural Schools
In New York State*

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Introduction

The history of reorganization in New York State reveals that nearly every set of recommendations which has encouraged consolidation of school districts had brought about widespread negative reaction. The catalyst for this reaction was a perception that the tenet of local control of public education was being abridged. Although the public has reacted negatively to the various proposals for reorganization, the forces for consolidation, emanating primarily from the State level, have prevailed. The difficult political issues surrounding local control and public participation have not been addressed in the major reports prepared either for the New York State Legislature or for the Board of Regents. Instead, the focus has been on the economic and curricular issues. In fact, it was not until the 1970s that the State Education Department recognized the impact that the issues concerning local control and responsive school governance might be having on the process of reorganization. In the early part of the decade, school district reorganization efforts slowed considerably and it was at this point that the State Education Department began to discuss the political issues as ones which might be affecting the consolidation effort.

Reorganization is a highly political activity in which members of the State Legislature and the State Education Department have always been involved. What happens at the State level impacts on the local level. While school district governance in a reorganized district and the political reaction in the school district to that reorganization may appear to be a local issue, it is not singularly one. The State Education Department and its agents are involved at each stage of the reorganization process. This involvement by State-appointed or elected officials has an effect which may not always be salutary.

The Common School Act of 1812 legitimized local control by lay persons. Since that time, the concepts of local control and community participation in the governance of the school district have become foundations of public education in New York State. Although education is the overall responsibility of the State, the Legislature has delegated much of that responsibility to local boards of education and, through the boards to community centers.

The Early Nineteenth Century

The nineteenth century was a period of rapid growth in the schools in New York State. Not only did the number and type of schools increase dramatically, but so did the involvement of the State in the education of children. At the end of the eighteenth century the new York State Legislature created the Board of Regents. From that point forward, this body has governed education in the State.

The next significant step taken by the Legislature was the enactment of a bill which appropriated \$100,000 per year to encourage the establishment and maintenance of common schools.¹ The bill was in effect for five years

until the year 1800. To qualify for funds, local schools had to raise a sum equal to 1.5 times the allotment to which it was entitled. The enactment of this bill initiated two basic principles which have been integral to public education since that time: State support and mandated local contribution.

Although the Legislature did not renew the annual appropriation when the initial five year period expired, it did create a permanent fund to support common schools in 1805. Interest and concern for the education of New York State citizens continued to grow and in 1812 the Common School Act was passed. This bill, which had five key provisions, laid the foundation for the current system of public school governance and set the stage for opposition to reorganization. The major provisions of the law:

1. Divided the towns into school districts.
2. Provided for local control by boards of trustees.
3. Empowered trustees to levy a tax to build and maintain school buildings.
4. Provided for State contributions towards the salaries of teachers.
5. Created a Department of Public Instruction which was headed by a State Superintendent of Schools.

By 1812 there were 6,323 organized schools in the State. That number nearly doubled over the next 33 years so that by 1854 there were 11,789 school districts. While the majority of these were common schools which dealt with education for the first six years, many were union free schools.²

The last quarter of the century brought growing concern on the part of the State Superintendents of school for a fundamental change in the educational system. For the last 75 or so years, schools had developed wherever there was a need without attention to political subdivisions. This frequently meant that children who lived in one township went to school with children from another. From the State's perspective, this was a "messy" situation. All reports by State Superintendents from 1870 until 1889 addressed, with increasing fervor, the need to replace the school district system with the township system.

Circa 1900-1925

The early part of the twentieth century saw various legislative efforts made to encourage the reorganization of school districts. In 1904 the Unification Act was passed; it was intended to encourage consolidation among the 10,651 common schools, but did not address consolidation of other types of school districts. It had minimal impact and so, in 1911, the Legislature took a different tack. Instead of enacting a law which required local initiative to accomplish what was a Statewide need, the Legislature enacted a law which abolished all small districts within city boundaries and created

new school districts with the city boundary as the school district boundary. This single act eliminated 1,200 districts.

The previous year the Legislature had taken a different approach to the problem of too many school districts--it had established the position of District Superintendent. The person who held this position was to be the Department of Public Instruction's representative in the various regions of the State. The legislative intent was to have the District Superintendents manage the consolidation of school districts throughout the State. The legislators quickly realized that what was intended could not be implemented immediately and so passed the law abolishing districts within cities in the interim. The District Superintendents had their first official meeting in 1912. The charge to all incumbents was "go home and consolidate." From 1912 to 1922 there was a net reduction of 100 districts per year.

In 1913 and 1914 the Legislature returned to the original pattern of passing laws which required local initiative. The Laws of 1913 permitted common schools³ to consolidate with union free schools; few consolidations were implemented. The Central Rural School Act, enacted in 1914, had two purposes: (1) to encourage consolidation, (2) to create a more efficient administrative structure--i.e., have one set of administrators for a single system that covered both elementary and secondary schools. Local initiative laws were having limited impact. Only one central school district was created in the next decade.⁴

The pattern of ignoring legislation which was designed to encourage the consolidation of schools was becoming well-developed. The communities across New York State were clearly not well-disposed to act in concert with the State Legislature in its effort to consolidate schools across the State. Trustees and school board members saw little incentive in urging the districts they represented to reorganize. The local school officials were able to ignore the intent of the legislation through passive resistance. They simply took no action at all since there was no reason for them to do so.

It was apparent that the State had to enact legislation that was not fundamentally dependent upon local initiative if it was to accomplish the goal of reducing the number of school districts in the State.

The Township Act

The Legislature had long recognized that enabling legislation was not the answer if school districts across the State were going to consolidate. Members of the Legislature had tried in vain to move away from laws which depended upon local initiative to ones which placed the authority for change at the State level. One such effort was the enactment of The Township Act.

The Township Act was finally passed in 1917 after two decades of intense lobbying. The Township Act was to replace the school district concept, which had been in place since the early nineteenth century, with the township system found throughout most of New England and in parts of the Midwest.

Under the township system the governing body (the board of education or trustees) would oversee the operation of all schools in the township; the township being primarily a political as opposed to a geographical subdivision.

Throughout the last half of the nineteenth century and the early part of the twentieth century, much of the pressure for educational reform came from the Commissioners of Education. By the middle of the second decade of the twentieth century, the State Education Department had garnered strong support from within and without the State for the implementation of the Township System of school district organization.

In the Annual Report of the Commissioner of Education in 1917, extensive attention is given to the need for this new system. Included in the report are statements from commissioners and superintendents in other states as well as supportive statements from the New York State Grange and the State Agricultural Society. Even the Sub-committee on School Taxation to the State Association of Tax Officers voted a resolution in favor of the Township System.⁵

The breadth of support seemed so extensive that the Legislature passed the Township Law enacting the Township System of school district organization. While the support may have seemed broad-based, it apparently had little depth. The reaction was immediate. The lobbying efforts for the enactment of the Township Act were minuscule in comparison to the efforts to have it repealed. Fear of losing local control of the educational system mobilized interest groups in ways which had previously not occurred; at least not over an educational issue. Throughout the State, boards of education, granges, newspapers, independent citizens, and taxpayers worked universally for the repeal of the law. Two school districts brought suit challenging the constitutionality of the act. Misinformation and misinterpretation were rampant and the beleaguered legislators could not combat the irrationality.⁶ They gave in as soon as possible and repealed the Act one year after they had enacted.

The Committee of Twenty-One

The debacle surrounding the enactment and repeal of the Township Act made persons concerned with rural education throughout the State realize that something needed to be done that would focus on the issues of concern and present some recommendations to the State Education Department and the Legislature. Farmers' Week was held at Cornell University in February, 1920. It was at this time that The Joint Committee on Rural Education, popularly, referred to as The Committee of Twenty-One, was formed. The popular name was derived from the committee membership: three members from each of seven organizations. Among the organizations with representation were the Grange, Cornell University, and the Farm Bureau. The purpose of the committee was to study rural education in New York State and to recommend to the State Education Department and the State Legislation changes which would improve the delivery of educational services to the children in rural districts of the State.

The Commonwealth Fund provided the State Education Department with \$75,000 to support the work of the Committee. The actual research was done by rural education specialists including Julian Butterworth and George Works of Cornell University and Charles H. Judd of the University of Chicago. The work of the Committee was published in several volumes; the series is known as The Rural School Survey of New York State.

There were several recommendations which were presented as part of The Rural School Survey of New York State. The recommendations were far-reaching and were grouped under several headings including administration and supervision of school districts, school financial support, training of teachers and supervisors, the course of study for the elementary schools, school buildings, the high school and community relations.

In the area of school financial support, the recommendations were divided into general aid, special aid, and bonded indebtedness. Under general aid, the two guiding principles were to consider the communities' ability to provide school facilities and the communities' willingness to provide the facilities. A formula for distribution of State monies was recommended: $(\$290,000 - V) M \times T \times .626$. In this formula, V represented the equalized valuation of the district, M stood for the equalized tax-rate in mills, and T for the number of teachers. In the application of this formula, each district was to receive at least \$48.00 per teacher and the limit of aid was determined by the amount obtained when the number of mills reached 10. No school was eligible for the full amount unless it enrolled eight full-time pupils.

Special aid was to be given for the erection of school houses and "teacherages"; this aid was based on the equalized value per teacher. School districts with an equalized value per teacher of less than \$50,000.00 received 30 percent of the cost of buildings and equipment; districts with more than \$300,000 received nothing. The scale of aid was reduced by 5 percent for each \$50,000. Aid, on a similar formula, was also given for major improvements to school buildings.

Transportation aid was considered a special kind of aid. To give some additional support for transportation for each \$1,200 spent on transportation the number of teachers was increased by one and then the formula stated above was re-worked.

To encourage the employment of competent teachers, financial penalties were imposed if the district had unqualified teachers and rewards were given for hiring normal school graduates or teachers with at least three years previous experience. The penalties were to be cumulative with \$100 deducted the first year an unqualified teacher was hired, \$200 the second year and so on. School districts who hired qualified teachers were to receive a direct grant of \$20.00 per month.

All of these recommendations plus the ones in the other categories were predicated on the assumption that the single-most important recommendation of the Study would be accepted: that the community be made the unit of local

administration. The community unit was to be governed by a board of education which was to be constituted as follows:

1. Each common school district and each union free district without an academic department to have one member.
2. A union free school district with an academic department could determine the number of its representatives, not to exceed the number of outlying districts.

Among the other recommendations that affected administration and supervision and were directly related to the community unit concept were the recommendations that the compulsory consolidation law be repealed (The Central Rural School Act-1914) and that a special commission be established to determine community unit boundaries. It was further suggested that the State Commission on Community Boundaries make provision for 206 community units to be created by 1926. After that year the number of community units would be determined by the Commission.

Although bills were introduced in both 1923 and 1924 providing for the creation of the community unit, no action was taken. Once again recommendations for reorganizing the structure of school districts were not implemented.

The Central Rural School Act

In 1925 the Central Rural School Act which had been passed in 1914 was revised. The revision was significant for it provided financial incentives for the reorganization of small common and union free districts into central school districts. The original bill had not provided any financial incentive.

The financial incentives included the State's support of 50 percent of the cost of transportation and 25 percent of the cost of new buildings. In addition, several items in the State aid formulae for city⁷ and union free school districts were included in the formula for central schools.

The addition of the financial incentives proved to be a catalyst for reorganization. Eighty-two central school districts were formed from 542 common and union free school districts during the period from 1925 to 1929. However, centralization activity slowed considerably with the Depression. Apparently the pressures that the Depression placed on communities throughout the State took higher priority than the reorganization of the school districts even though financial incentives were available.

The Regents Inquiry into the Character and Cost of Public Education in the State of New York

This major study, conducted in 1934, was the first study of education in New York State following the Report of The Committee of Twenty-One. The

study was directed by Luther Halsey Gulick and had more than 50 associate and assistant directors who chaired special studies. All of the volumes of the study which were published in 1938 dealt exclusively with secondary education except for the summary volume, Education For American Life. Some later volumes were published independently of the Board of Regents and were concerned with special interests of the commission directors.

There are three major volumes from this study which have had impact on later studies produced by the State Education Department or other commissions established by the Board of Regents. Education for American Life contains the recommendations for optimal school size. It is here that the secondary school size of 300 to 1200 pupils and the elementary school size of 180 to 600 pupils is first found. The Hearld Commission (1955) and the Master Plan (revised 1958) both cite this as the source for recommended school size.

The Changing Elementary School included a number of recommendations which were used in later years. It was recommended that one-teacher schools be eliminated wherever feasible. Central schools should not have elementary schools with less than 180 pupils and city or municipal school districts should not have elementary schools of less than 250 pupils.

High School and Life is the third volume which first stated some of the concepts which have been repeated with various modifications in the last 30 years of school district reorganization. The recommendations were that no high school of less than 100 students be permitted to continue; that a specialized high school might have as few as 200 pupils, but could not be allowed to offer a comprehensive program; and that comprehensive high schools had to have at least 300 pupils. The recommendations went further and established 25 as an optimal class size and a minimum program of study to include 12 fields. These 12 fields included English, social studies, math, science, foreign language, music, business education, industrial arts, agricultural education, home economics, and physical training. It was also suggested that each high school have a specialist in every field. The recommendations from this report were the first from any major study to have any impact on future thinking and legislation.

The next phase in the organizational history of New York State saw two major developments coming almost simultaneously. These were the development of the concept of the intermediate unit, later to be replaced by the Boards of Cooperative Educational Services (BOCES), and the presentation of the First Master Plan.

Boards of Cooperative Education Services
and
Intermediate School Districts

The need for regional services grew from the recognition that the ability of the local school district to provide services differed according to geographical location and population density. All of the studies commissioned by either the State Education Department, the Regents, or the

Legislature of the State of New York recognized that the small rural district was limited in the variety and type of educational opportunity it was able to offer. While the recommendations of the various studies were certainly not followed in every case, efforts had been made to encourage the consolidation of common school districts and some union free districts into central school districts. By 1945, the year after the original study of intermediate school districts was authorized, there were 321 central school districts which incorporated 4,728 former common and union free school districts. An addition 1,556 common school districts had ceased operating and were contracting for educational services.

In 1943 a conference which called together representatives of the various educational organizations and the New York State Conference Board of Farm Organization was held in Ithaca. An outcome of this conference was the establishment of the Council on Rural Education. The Council immediately appointed a research committee which was charged with the responsibility of studying the intermediate school unit and reporting back to the Council with recommendations for further study. The principal investigator was Dr. Julian E. Butterworth of Cornell University.

The 1944 study had the combined sponsorship of the Council on Rural Education and the State Education Department. It had three purposes: (1) to envision a desirable educational program for rural people, (3) to suggest an organization that could provide that program and would be flexible enough to meet new conditions or new problems that were not foreseen at the time of the study, and (3) to estimate the probable cost of the program and suggest ways and means of providing any additional revenue which might be needed.

The 1944 study was based on a number assumptions, some which may still be valid; others clearly are not. Among the 1944 assumptions which may be suspect in 1984 are the following: "the rural population is widely variant in its composition, more so than the population of cities"; "the sparsity of population in rural areas is an obstacle to the development of the needed educational program"; and "there are relatively more children to be educated in rural areas." Those assumptions which may still have validity include: "the physical isolation of the farm family affects educational planning"; "the lack of financial resources in rural areas add to the problems of rural education" (income deficiency and lack of taxable real property other than land); "the migration of young people from rural areas to the cities for work modifies the need for rural education"; and "the technical developments in agriculture add to the responsibility of the rural school."

The immediate result of the study conducted on the intermediate school district was the passage of a law in 1948 which authorized the establishment of this type of school district. In as much as the concept of the intermediate school unit was a fairly new one for the general public, it was decided at the time that there had to be a stop-gap measure which would allow for a transition period during which the public would be educated about the intermediate unit. The stop-gap measure was the authorization to establish boards of cooperative educational services.

As of 1953 boards of cooperative educational service had the power and duty to:

1. Make or cause to make surveys which determined the need for cooperative services.
2. Provide, at the request of two or more local districts and with the approval of the Commissioner of Education, the following services: school nurse teacher, attendance supervisor, dental hygienist, teachers of art, music, physical education, vocational agriculture and homemaking, guidance counselor and any other service approved by the Commissioner.
3. Employ personnel to carry out its program.
4. Finance the program through contributions from the local districts based on participation.
5. Borrow money (RANS).
6. Arrange contracts for services with other public agencies.
7. Receive, upon application by the board of cooperative services, revenues from the State.

The creation of BOCES as an interim step was reinforced by the requirement that they were not permitted to undertake any commitment which could not be terminated at the close of the school year. Although the law authorizing the existence of BOCES has changed considerably over the past 25 years and the law authorizing the creation of the intermediate district was repealed in 1972, the one year duration of commitments still remains.

With the repeal of the intermediate School District Law in 1972 and the renumbering of Education Law sections 1958 and 1959, section 1950 and 1951 became a new law entitled "Boards of Cooperative Educational Services." The Board of Regents defined the mission of BOCES in a position paper dated 1976.

Although the role of BOCES and the District Superintendent have been topics of much discussion over the past several years, the mission remains essentially the same as presented by the Regents in 1976. The responsibilities of BOCES include the following:

1. To determine and respond to the educational needs of the supervisory district and work with component districts to consider and develop programs based on the findings.
2. To provide services to the component districts and be responsible to the State and the districts for the efficient running of those programs.
3. To develop clear operating policies which result in the most prudent use of resources while providing requested services.

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4. To develop appropriate housing and equipment proposals and encourage voter approval of same.
5. To cooperate with other BOCES when appropriate in terms of effectiveness, efficiency, and economy.

The Master Plans

The First Master Plan

The first Master Plan was several years in the making. The New York State Legislature created the Rapp Commission in 1940. This commission, in conjunction with the State Education Department, spent several years creating the Master Plan. Using as background the work of a study commission created by the Board of Regents in 1934,⁸ the Rapp Commission produced The Master Plan for School District Organization which was approved by the Legislature in 1947. This was the first document which was a comprehensive Statewide plan. Previous to this, districts which had been encouraged or directed to consolidate were so directed on an ad hoc basic.

During the decade which followed, 159 central school districts were formed. Some of these included new districts formed from annexation, but most were formed through centralization. In all, the 159 districts replaced 2,537 districts.⁹

The Revised Master Plan

The Master Plan was revised in 1958 and renamed the State Plan for School District Reorganization. Since that time there have been many amendments to the plan frequently eliminating one or more districts from anticipated consolidations or annexations. From 1958 through 1970, 43 new central school districts were formed. These new districts replaced 254 smaller districts.

The basic considerations on which the first Statewide plan for the reorganization of school districts was based were carried forward to the State Plan for School District Reorganization. These considerations include the following:

- the education needs of each area;
- the amount of fiscal resources available for the support of an educational program;
- the school transportation program;
- the social and economic status of each area;
- the school building facilities; and
- the problems peculiar to each geographic area in the State.

Reorganization Today

Reorganization efforts have slowed considerably in the past 15 years. In spite of increased financial incentives to reorganize and continuing discussion on the benefits of reorganization--"a solution to the negative effects of declining enrollment," "broader scope of program offerings and facilitated class scheduling," "alleviate a particular heavy tax burden" (State Education Department memo, 1980)--few districts have chosen to consolidate with others or to be annexed. Although the political and social issues surrounding reorganization have been important throughout the history of reorganization generally and to some districts specifically, they have, in recent years, become more important than previously. While the promise of lower taxes and improved educational opportunities continue to be compelling reasons for some districts to consider reorganization, districts are looking closely at the political issues. The experiences of too many other districts have told them that lower taxes and improved educational opportunities do not always follow reorganization. Districts considering reorganization today want more than assurances that they will not lose local control and the opportunity to be directly involved in their children's education.

Notes

1. A common school is a school district, created by 1812 legislative action, empowered to operate elementary (K-8) schools only. A common school district is governed by a sole trustee or a board of three trustees. The schools have traditionally served limited geographical areas which have been small enough for students to walk to school. (James J. Hageny, School Law - 1984. Albany, NY: New York State Schoolboards Association, 1984, p. 280.)

2. Union free schools were first authorized by legislation in 1853 for the purpose of providing the high school program for one or more common school districts. These districts are governed by a board of education of from three to nine members. (Hageny, School Law, p. 280)

3. This districts usually served an area small enough for students to walk to school, and frequently, had only one or two teachers. There are only 19 common schools remaining in the State; five of these do not operate schools, but contract with other districts for the education of the elementary school population. (Hageny, School Law, p. 280.)

4. A central school is a new school district formed by combining union free and common schools into a larger unit of taxation and administration. They may also be formed by joining two or more central school districts. (Hageny, School Law, p. 280.)

5. Finegan, 1921:50-87.

6. State Education Department, The Township System (Albany, New York, 1922).

7. A city school district is one whose school boundary lines are contiguous to those of the city. An enlarged city school district is one to which union free or common school districts have been annexed. (Hageny, School Law, p. 281.)

8. The work of this commission was carried out the next few years with results and recommendations being published in 12 volumes entitled The Regents' Inquiry into the Character and Cost of Public Education in the State of New York. The recommendations of the study, which included all phases of educational life but focused on secondary, may be found in the summary volume Education for American Life.

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